

REMARKS

This responds to the Office Action mailed on January 11, 2008.

Claims 1, 7, 12, 17, 21, 26, 30, 36, and 41 are amended, no claims are canceled, and no claims are added; as a result, claims 1-45 are now pending in this application. The amendments to the claims are fully supported by the specification as originally filed. No new matter is introduced. Applicant respectfully requests reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

The independent claims are amended to further clarify these claims. Applicant submits that the claims are in condition for allowance without further search.

§102 Rejection of the Claims

Claims 1, 2, 4-8, 17, 21-22, 24-26, 30-31, 33-37, and 39 were rejected under 35 U.S.C. § 102(b) for anticipation by Szoke (U.S. 4,787,034).

Applicant cannot find in Szoke a disclosure or a suggestion of a method that includes loading a first set of instructions into an execution unit, wherein the first set of instructions includes an unresolved reference to a second set of instructions, wherein the loading includes replacing the unresolved reference with an address of a third set of instructions without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit when loading the first set of instructions, as recited in amended claim 1. In the Office Action, it is stated that “Szoke discloses ... loading a first set . . . **program P11 . . . third set (‘branch statement 122 causes a branch to linkage program . . .**” Program P11 and branch statement 122 are included in Szoke’s load module 100 and are loaded when load module 100 is loaded, which does not disclose or suggest loading a first set of instructions into an execution without loading the third set of instructions into the execution unit and without loading the second set of instructions into the execution unit when loading the first set of instructions as recited in claim 1. Therefore, Applicant respectfully submits that Szoke does not teach each and every claim element of claim 1, that Szoke does not teach the identical invention in as complete detail as is contained in claim 1, and/or that Szoke does not teach each and every claim element arranged as in claim 1. Thus, Applicant submits that claim 1 is patentable over Szoke. For at least reasons similar to those stated with respect to claim 1,

Applicant submits that claim 30 is patentable over Szoke.

Applicant cannot find in Szoke a disclosure or a suggestion of a method includes loading an executable object module, wherein the loading includes replacing an unresolved reference with a reference to a system module without loading instructions of the system module as recited in amended claim 7. As shown in Szoke's Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke's load module **100** includes conventional programs **P11** and **P12** and program structure **110**. As shown in Szoke's Figure 1, program structure **110** includes linkage program **130**, which indicates that Szoke's load module **100** includes linkage program **130** and therefore linkage program is not separate from load module **100**. In contrast, claims 7 recites that reference to a system module is placed in the executable object module without including instructions of the system module, where the system is used for loading compiled object modules that are separate from the executable object module, that is, the linking instructions that load the separately compiled object module when executing executable object module are separate from executable object module. Therefore, Applicant respectfully submits that Szoke does not teach each and every claim element of claim 7, that Szoke does not teach the identical invention in as complete detail as is contained in claim 7, and/or that Szoke does not teach each and every claim element arranged as in claim 7. Thus, Applicant submits that claim 7 is patentable over Szoke. For at least reasons similar to those stated with respect to claim 7, Applicant submits that claim 36 is patentable over Szoke.

Applicant cannot find in Szoke a disclosure or a suggestion of an apparatus that includes a loader unit to find an executable object module in a storage unit and present the executable object module to an execution unit, where the loader unit is configured to replace the unresolved reference with a reference to a system module without loading instructions of the system module with the system module separate from the executable object module and the loader unit separate from the executable object module, as recited in amended claim 17. As shown in Szoke's Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke's load module **100** includes conventional programs **P11** and **P12** and program structure **110**. As shown in Szoke's Figure 1, program structure **110** includes linkage program **130**, which indicates that Szoke's load module **100** includes linkage program **130** and therefore linkage program is not separate from load module **100**. Therefore, Applicant respectfully submits that Szoke does not

teach each and every claim element of claim 17, that Szoke does not teach the identical invention in as complete detail as is contained in claim 17, and/or that Szoke does not teach each and every claim element arranged as in claim 17. Thus, Applicant submits that claim 17 is patentable over Szoke.

Applicant cannot find in Szoke a disclosure or a suggestion of an apparatus that includes a loader unit to load a first set of instructions into a memory unit, wherein the first set of instructions includes an unresolved reference to a second set of instructions, the loader unit to replace the unresolved reference with an address of a third set of instructions without the third set of instructions, the first set of instructions being different from the second set of instructions and the third set of instructions such that the loader unit is operable to load the first set of instructions without loading the third set of instructions and without loading the second set of instructions when loading the first set of instructions, as recited in amended claim 21. Therefore, Applicant respectfully submits that Szoke does not teach each and every claim element of claim 21, that Szoke does not teach the identical invention in as complete detail as is contained in claim 21, and/or that Szoke does not teach each and every claim element arranged as in claim 21. Thus, Applicant submits that claim 21 is patentable over Szoke.

Applicant cannot find in Szoke a disclosure or a suggestion of an apparatus that includes a loader unit to present an executable object module for execution, wherein the loader unit is configured to replace a symbolic reference with an address to a system module to link the executable object module and the separately compiled object module such that instructions of the loader unit are separate from the executable object module and the separately compiled object module, as recited in amended claim 26. As noted in the discussion with respect to claim 1, as shown in Szoke's Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke's load module **100** includes conventional programs **P11** and **P12** and program structure **110**. As shown in Szoke's Figure 1, program structure **110** includes linkage program **130**, which indicates that Szoke's load module **100** includes linkage program **130** and therefore linkage program is not separate from load module **100**. Therefore, Applicant respectfully submits that Szoke does not teach each and every claim element of claim 26, that Szoke does not teach the identical invention in as complete detail as is contained in claim 26, and/or that Szoke does not teach each and every claim element arranged as in claim 26. Thus, Applicant submits

that claim 26 is patentable over Szoke.

Claims 2 and 4-6, claim 8, claims 22, 24, and 25, claims 31 and 33-35, and claims 37 and 39 depend from independent claims 1, 7, 21, 30, and 36, respectively. Applicant submits that claims 2, 4-6, 8, 22, 24, 25, 31, 33-35, 37, and 39 are patentable over Szoke for at least the reasons stated above with respect to claims 1, 7, 21, 30, and 36. Further, in view of the additional features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4-8, 17, 21, 22, 24-26, 30, 31, 33-37, and 39, and the passing of these claims to issue.

First §103 Rejection of the Claims

Claims 9, 14, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Szoke. Applicant traverses these grounds of rejection of these claims.

For at least reasons similar to those stated above with respect to the independent claims discussed above, Applicant submits that claims 12 and 41 are patentable over Szoke. Further, in view of the features of each of these independent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Claim 9, claim 14, and claim 43 depend from independent claims 7, 12, and 41, respectively. Applicant submits that claims 9, 14, and 43 are patentable over Szoke for at least the reasons stated above with respect to claims 7, 12, and 41. Further, in view of the additional features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 9, 14, and 43, and the passing of these claims to issue.

Second §103 Rejection of the Claims

Claims 3, 11, 13, 19, 23, 28, 32, 40 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Szoke, in view of “Apple Developer Connection,” (Apple Computer Inc. 2001). Applicant traverses these grounds of rejection of these claims.

Applicant submits that combining “Apple Developer Connection” with Szoke, as proffered in the Office Action, does not cure the deficiencies of citing Szoke with respect to the independent claims of the instant application. Therefore, Applicant submits that independent claims 1, 7, 12, 17, 21, 26, 30, 36, and 41 are patentable over Szoke in view of “Apple Developer Connection.” Claim 3, claim 11, claim 13, claim 19, claim 23, claim 28, claim 32, claim 40, and claim 42 depend from independent claims 1, 7, 12, 17, 21, 26, 30, 36, and 41, respectively. Applicant submits that claims 3, 11, 13, 19, 23, 28, 32, 40, and 42 are patentable over Szoke in view of “Apple Developer Connection” for at least the reasons stated above with respect to the independent claims of the instant application. Further, in view of the additional features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 3, 11, 13, 19, 23, 28, 32, 40 and 42, and the passing of these claims to issue.

Third §103 Rejection of the Claims

Claims 10, 18, 20, 27, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Szoke, in view of Tatge et al. (U.S. 5,293,630; hereinafter Tatge). Applicant traverses these grounds of rejection of these claims.

Applicant submits that combining Tatge with Szoke, as proffered in the Office Action, does not cure the deficiencies of citing Szoke with respect to independent claims 7, 17, and 26. Therefore, Applicant submits that independent claims 7, 17, and 26 are patentable over Szoke in view of Tatge. Claim 10, claims 18 and 20, and claims 27 and 29 depend from independent claims 7, 17, and 26, respectively. Applicant submits that claims 10, 18, 20, 27, and 29 are patentable over Szoke in view of Tatge for at least the reasons stated above with respect to independent claims 7, 17, and 26. Further, in view of the additional features of each of these

dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 10, 18, 20, 27, and 29, and the passing of these claims to issue.

Fourth §103 Rejection of the Claims

Claims 12, 15-16, 41 and 44-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Szoke in view of Sexton et al. (U.S. 6,434,685; hereinafter Sexton). Applicant traverses these grounds of rejection of these claims.

Applicant cannot find in the combination of Szoke and Sexton, as proffered in the Office Action, a disclosure or a suggestion of a method that includes replacing, in an executable object module, symbolic references with addresses to a loader subroutine without instructions of the loader subroutine in the executable object module, as recited in amended claim 12. Szoke relates to a method in which a first load module may include call programs to call programs in a second load module. As shown in Szoke's Figure 1, referenced in the Office Action, and discussed at column 2, lines 53-62, Szoke's load module **100** includes conventional programs **P11** and **P12** and program structure **110**. As shown in Szoke's Figure 1, program structure **110** includes linkage program **130**, which indicates that Szoke's load module **100** includes linkage program **130**. In contrast, claim 12 recites that the linking instructions are in a loader subroutine separate from the executable object module where the method of claim 12 includes replacing symbolic references with addresses to the loader subroutine that is not included in the executable object module. Further, the combination of Szoke and Sexton also does not disclose or suggest the abovementioned features of claim 12. Therefore, Applicant submits that Szoke in view of Sexton does not teach all the elements of claim 12. Thus, Applicant submits that independent claim 12 is patentable over Szoke in view of Sexton.

For at least reasons similar to those discussed above with respect to claim 12, Applicant submits that claim 41 is patentable over Szoke in view of Sexton. Claims 12, 15, and 16 and claims 44 and 45 depend from independent claims 12 and 41, respectively. Applicant submits that claims 15, 16, 44, and 45 are patentable over Szoke in view of Sexton for at least the reasons stated above with respect to independent claims 12 and 41. Further, in view of the additional

features of each of these dependent claims, Applicant respectfully submits that these claims may be allowable for one or more reasons in addition to and/or in alternative to those reasons identified above.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 12, 15, 16, 41, 44, and 45, and the passing of these claims to issue.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612)-371-2157 to facilitate prosecution of this application.

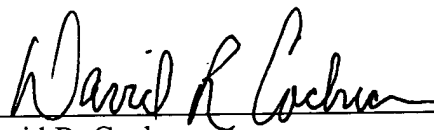
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
512.628.9324

Date 11 March 2008

By




David R. Cochran
Reg. No. 46,632

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11th day of March 2008.

David R. Cochran

Name



Signature